LEGISLATIVE DEPARTMENT.

Notification No. 22—*Legis. F.* 19-03, *dated* 27*th August* 1903.

The following Draft of a Regulation for the improvement of the City of Mysore is published, with a Statement of Objects and Reasons, for general information. The Draft Regulation will be taken into consideration by Government a month after the date of such publication.

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for *Secy. to Govt., Gen. & Rev. Depts.*

REGULATION No. OF 190 .

(DRAFT OF)

A Regulation for the Improvement of the City of Mysore and to provide space for its future expansion.

Preamble.

Whereas it is expedient to make provision for the improvement and future expansion of the City of Mysore, as well as for the appointment of a Board of Trustees with special powers to carry out the aforesaid purposes; His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I.—PRELIMINARY.

Short title, extent and commencement.

1. (1) This Regulation may be called the "City of Mysore Improvement Regulation, 190 ;"

(2) It extends only to the City of Mysore;

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, direct.

Definition of terms.

2. In this Regulation, unless there be something repugnant in the subject or context,—

"The City."

"the City" means the area comprised within the limits prescribed by Government as the Municipal limits of the City of Mysore under the Municipal Regulations of 1871 as in force in the City of Mysore (hereinafter referred to as "the Municipal Regulations");

"The Improvement Committee."

"the Improvement Committee" means the Committee appointed in Government Order No. 4168-79—L. F. 36-02, dated the 18th September 1902, for the purpose of devising a scheme for the improvement of the City of Mysore.

"Land."

"land" includes land which is built upon or covered with water:

"Street."

"street" includes any highway and any causeway, bridge, viaduct, arch, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not:

Other words.

other words shall be deemed to have the meaning ascribed to such words under the Municipal Regulations.

CHAPTER II.—OF THE BOARD OF TRUSTEES.

Board charged with execution of this Regulation.

3. The duty of carrying out the provisions of this Regulation shall, subject to such conditions and limitations as are hereinafter contained, be vested in a Board, to be called "The Trustees for the improvement of the City of Mysore"; and such Board, hereinafter referred to as "the Board," shall be a body corporate and have perpetual succession and a common seal, and shall sue and be sued by the name first aforesaid.

Constitution of Board.

4. The Board shall consist of eight members, as follows:—

the Chairman of the Board, to be appointed by Government;
the Vice-President for the time being of the Municipal Commission of the Mysore City;
the Civil Surgeon for the time being of the Mysore District;
three Trustees to be appointed by Government;
two Trustees to be elected by the Municipal Commissioners of the City out of their own body in accordance with such rules as may be framed by Government under section 40 and subject in each case to the person elected being approved by Government, or, in default of election as aforesaid, to be appointed by Government from among Municipal Commissioners of the City.

5. The names of all Trustees appointed by Government, or whose election by the Municipal Commissioners shall have been approved by Government, shall be notified in the Official Gazette.

Names of Trustees to be notified.

Term of office of Trustees.

6. (1) The Chairman of the Board shall hold office during the pleasure of Government.

(2) The other Trustees, not being *ex officio* Trustees, shall hold office for a term of two years from the date of the Official Gazette in which their names were notified under the preceding section.

Casual vacancies.

7. (1) Any casual vacancy in the office of a Trustee other than the Chairman occasioned by the death, resignation or disqualification of such Trustee shall be filled up within one month in the same manner, by the same authorities, and subject, so far as may be, to the same provisions as are applicable in the case of original appointments and elections of Trustees: Provided that the Trustee so chosen shall retain his office so long only as the vacating Trustee would have retained the same, if such vacancy had not occurred.

For periods exceeding three months.

(2) If a Trustee, other than the Chairman,—

(*a*) departs from the City with a declared intention of being absent for a period exceeding three months; or

(*b*) becomes from any cause unable to attend the meetings of the Board for a period exceeding three months; or

(*c*) has been absent from the City for a period exceeding three months;

a person shall be elected or appointed to act for such Trustee during his absence or inability or until he shall cease to be a Trustee, and the person so acting shall be deemed for all the purposes of this Regulation to be a Trustee.

Saving provision for acting appointment when necessary for less than three months.

(3) Nothing in the last preceding sub-section shall prevent a person being elected or appointed for a period of less than three months in the place of an absent Trustee at the discretion of Government in case the absentee is an appointed Trustee, and on the application of the Board to the Municipal Commissioners if the absentee is an elected Trustee.

Grounds on which Trustees shall vacate office.

8. (1) Any Trustee who—

(*a*) becomes an uncertificated bankrupt or insolvent; or

(*b*) is sentenced to imprisonment for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not being subsequently reversed or quashed; or

(*c*) obtains any office or place of profit under the Board; or

(*d*) has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of the Board, otherwise than by his having merely a share or interest in—

(i) any lease, sale, exchange or purchase of immoveable property or any agreement for the same, or

(ii) any joint-stock company which shall contract with, or be employed by, or on behalf of, the Board, or

(iii) the occasional sale to the Board, to a value not exceeding two thousand rupees in any one official year, of any article in which he trades; or

(*e*) is absent from or unable to attend the meetings of the Board for a period exceeding twelve consecutive months, or is absent without the permission of the Board from six consecutive ordinary meetings of the Board; or

(*f*) acts in contravention of the provisions of the next succeeding sub-section; or

(*g*) being an elected Trustee shall cease to be a Municipal Commissioner and is not forthwith re-appointed or re-elected as a Municipal Commissioner;—

shall cease to be a Trustee, and his office shall thereupon become vacant.

Restriction on power of Trustees to discuss or vote on matters in which they are interested.

(2) A Trustee shall not at any meeting of the Board or a Committee thereof take part in the discussion of, or vote on, any matter in which he has directly or indirectly, by himself or his partner, any share or interest such as is described in the latter part of clause (*d*) of the preceding sub-section, or in which he is interested either professionally on behalf of a client or as agent for any person.

Provisions concerning the Board's Proceedings.

9. The following provisions shall be observed with respect to the proceedings of the Board (namely):—

Vacancy not to affect proceedings.

(1) During any vacancy in the Board the continuing Trustees may act as if no vacancy had occurred.

(2) The Board shall meet together and shall from time to time make such arrangements, not inconsistent with this Regulation, with respect to the place, day, hour, notice, management, and adjournment of such meetings, and generally with respect to the transaction of business, as they think fit, subject to the following provisions (namely):—

Board to meet and arrange for transaction of business.

(*a*) an ordinary meeting shall be held once at least in every month;

There must be an ordinary meeting once a month.

(*b*) the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than three Trustees, call a special meeting;

or a special meeting whenever necessary.

(*c*) no business shall be transacted at any meeting unless at least four Trustees are present from the beginning to the end of such meeting;

Four Trustees to from a quorum.

(*d*) every meeting shall, if the Chairman be present, be presided over by him; if he be absent, by such one of the Trustees present as may be chosen by the meeting;

Chairman, if present, to preside.

(*e*) all questions shall be decided by a majority of votes of the Trustees present, the president having a second or casting vote in all cases of equality of votes;

All questions to be decided by a majority of votes.

(*f*) minutes shall be kept of the names of the Trustees present and of the proceedings at each meeting in a book to be provided for this purpose, which shall be signed at the next ensuing meeting by the president of such meeting, and shall be open to inspection by any Trustee during office hours.

Minutes to be kept.

(3) The Board may from time to time appoint Committees consisting of the Chairman and such other Trustees as they think fit; and may

Appointment of Committees.

(*a*) refer to such Committees for enquiry and report any subject relating to the purposes of this Regulation, or

(*b*) delegate to such Committees by a specific resolution in this behalf, and subject to any by-laws made under clause (*a*) of section 41, (1), any of their powers or duties.

Any Committee so appointed shall conform to any instructions that may from time to time be given to them by the Board, and the Board may at any time alter the constitution of any Committee so appointed or rescind any such appointment. The Chairman shall be the president of every such Committee.

(4) No act of the Board, or of any Committee, or of any person acting as Trustee, shall be deemed to be invalid by reason only of some defect in the appointment of such Board, Committee or Trustee, or on the ground that they, or any of them, were disqualified for the office of Trustee.

Acts of Board, etc., not to be invalidated by informalities.

10. (1) The Chairman may, on behalf of the Board, enter into any contract or agreement, whereof the value or amount shall not exceed one thousand rupees, in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf, and every such contract or agreement shall be reported to the Board at the next ordinary meeting thereof.

Mode of executing contracts when the value is not more than Rs. 1,000;

(2) Every other contract and agreement on behalf of the Board shall require the previous approval of the Board, shall be in writing, and shall be signed by the Chairman and two other Trustees, and sealed with the common seal of the Board as hereinafter provided. No contract or agreement referred to in this sub-section, unless executed as herein provided, shall be binding on the Board.

when the value is more than Rs. 1,000.

(3) The common seal of the Board, which shall remain in the custody of the Chairman, shall not be affixed to any contract or other instrument except in the presence of two Trustees, who shall attach their signatures to the contract or instrument in token that the same was sealed in their presence. The signatures of the said Trustees shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.

Custody and use of common seal.

11. The Board may compound or compromise for or in respect of any claim or demand arising out of any contract entered into by them under this Regulation, or in respect of any action or suit instituted by or against them, for such sum of money or other compensation as they shall deem sufficient.

Board may compromise claims by or against them.

12. The Chairman shall—

Duties of Chairman.

(1) attend every meeting of the Board, unless prevented by sickness or other reasonable cause;

(2) carry into effect the resolutions of the Board;

(3) keep and conduct the Board's correspondence;

(4) exercise supervision and control over the acts and proceedings of all officers and servants of the Board in matters of executive administration, and in matters concerning the accounts and records of the Board; and, to the extent specified in section 37 (1), dispose of all questions relating to the service of such officers and servants, and their pay, privileges, and allowances;

(5) furnish to Government a copy of the minutes of the Board's proceedings, and any returns or other information which Government may from time to time call for.

Appointment of Acting Chairman.

13. During any absence of the Chairman, Government may appoint a person to act as Chairman, and any person so appointed shall exercise the powers and perform the duties conferred and imposed by this Regulation on the person for whom he is appointed to act, and shall be subject to the same liabilities, restrictions and conditions to which the said person is liable.

CHAPTER III.—DUTIES AND POWERS.

Improvement Schemes.

The Board to make improvement schemes on the basis of orders passed by Government on the recommendations of the Improvement Committee,

14. (1) The Board shall, as soon as may be after they shall have been constituted under this Regulation, proceed to draw up detailed schemes (hereinafter referred to as "improvement schemes") for the improvement, or expansion, or both, of the various parts of the City, on the basis of, and with due regard to, the orders passed or that may hereafter be passed by Government on the recommendations of the Improvement Committee.

and may make additional schemes when necessary.

(2) The Board may also from time to time, and if satisfied of the sufficiency of their resources, make any additional improvement schemes which they may consider necessary.

Particulars to be provided for in an improvement scheme.

15. Every improvement scheme under section 14—

(1) shall, within the limits of the area comprised in the scheme, provide for—

(*a*) the acquisition of any land which will, in the opinion of the Board, be necessary for or affected by the execution of the scheme,

(*b*) re-laying out all or any land including the construction and reconstruction of buildings and the formation and alteration of streets,

(*c*) draining and lighting streets so formed or altered;

(2) may, within the limits aforesaid, provide for—

(*a*) raising any land which the Board may deem expedient to raise for the better drainage of the locality,

(*b*) forming open spaces for the better ventilation of the area comprised in the scheme or any adjoining area,

(*c*) the whole or any part of the sanitary arrangements required,

(*d*) the establishment or construction of markets and other public requirements or conveniences; and

(3) may, within and without the limits aforesaid, provide for the construction of buildings for the accommodation of the poorer and working classes, including the whole or part of such classes to be displaced in the execution of the scheme. Such accommodation shall be deemed to include shops.

Procedure on completion of scheme.

16. (1) Upon the completion of an improvement scheme the Board shall draw up a notification stating the fact of a scheme having been made and the limits of the area comprised therein, and naming a place where particulars of the scheme, a map of the area comprised therein and a statement specifying the land proposed to be acquired, may be seen at all reasonable hours; and shall—

Copy of notification of scheme to be communicated to President of the Municipal Commission.

(*a*) communicate a copy of such notification to the President of the Municipal Commission, who shall within thirty days from the date of receipt thereof forward to the Board, for transmission to Government as hereinafter provided, any representation which the Municipal Commissioners may think fit to make with regard to the scheme;

Publication of notification.

(*b*) cause a copy of the said notification to be published during three consecutive weeks in the Official Gazette, and posted up in some conspicuous part of their own office, the Deputy Commissioner's office, the office of the Municipal Commission, and in such other places as the Board may consider necessary.

Service of notices on owners of property to be acquired in executing the scheme.

(2) During the thirty days next following the first day on which such notification is published in the Official Gazette, the Board shall serve a notice on every person whose name appears in the Municipal assessment-book or Land Revenue registers as primarily

liable for the payment of the property taxes or land assessment leviable under the Municipal Regulations or Land Revenue Code on any land or building proposed to be acquired by the Board in executing the scheme, stating that such land or building is proposed to be acquired by the Board for the purpose of an improvement scheme, and requiring an answer stating whether the person so served dissents or not in respect of the acquisition of such land or building, and if the person dissents the reasons of such dissent, within thirty days from the date of service of the notice.

Notices how to be served.

(3) Such notice shall be signed by, or by the order of, the Chairman and shall be served—

(*a*) by delivery of the same personally to the person required to be served, or if such person is absent or cannot be found, to his agent, or if no agent can be found, then by leaving the same on the land or building; or,

(*b*) by leaving the same at the usual or last known place of abode or business of such person as aforesaid; or,

(*c*) by post addressed to the usual or last known place of abode or business of such person.

17. (1) Upon compliance with the foregoing provisions with respect to the publication and service of notices of the scheme the Board shall, after consideration of any representation or answer received under section 16 and after inserting in the scheme such modifications as they may think fit, apply to Government for sanction to the scheme.

The scheme to be then forwarded to Government for sanction.

Particulars to accompany application for sanction.

(2) The application for sanction shall, save in the case provided for in sub-section (3), be accompanied by—

(*a*) a description with full particulars of the scheme including the reasons for any modifications inserted therein;

(*b*) complete plans and estimates of the cost of executing the scheme;

(*c*) a statement specifying the land proposed to be acquired;

(*d*) any representation received under sub-section (1) of section 16;

(*e*) a schedule showing the rateable value, as entered in the Municipal assessment-book, at the date of the publication of a notification relating to the land under section 16, or the land assessment, of all land specified in the statement under clause (*c*) and of any other land wholly or partially situated within 80 feet from either side of any street to be formed or altered in executing the scheme; and

(*f*) such further particulars, if any, as may be prescribed by Government.

(3) When under any improvement scheme provision is made for the construction of dwellings for the poorer and working classes, the Board may, after complying with the provisions of section 16, forthwith submit to Government for sanction plans and estimates for the construction of such dwellings, and on receipt of such sanction the provisions of section 18 shall, with all necessary modifications, be applicable to the part of the scheme providing for the construction of such dwellings, as if such part were the scheme.

Procedure when scheme provides for construction of dwellings for the poorer and working classes.

18. (1) (*a*) On receipt of the sanction of Government, the Chairman shall forward a declaration for notification under the signature of a Secretary to Government, stating the fact of such sanction and that the land proposed to be acquired by the Board for the purposes of the scheme is required for a public purpose.

On receipt of sanction declaration to be published giving particulars of land to be acquired.

(*b*) The declaration shall be published in the Official Gazette and shall state the limits within which the land proposed to be acquired is situate, the purpose for which it is needed, its approximate area, and the place where a plan of the land may be inspected.

(*c*) The said declaration shall be conclusive evidence that the land is needed for a public purpose, and the Board shall, upon the publication of the said declaration, proceed to execute the scheme.

And upon such publication Board to proceed to execute the scheme.

(2) (*a*) If at any time it appears to the Board that an improvement can be made in any part of the scheme, the Board may alter the scheme for the purpose of making such improvement, and shall, subject to the provisions contained in the next two clauses of this sub-section, forthwith proceed to execute the scheme as altered.

Board to have power to alter any part of the scheme.

(*b*) If the estimated net cost of executing the scheme as altered exceeds, by a greater sum than Rs. 2,500, the estimated net cost of executing the scheme as sanctioned, the Board shall not, without the previous sanction of Government, proceed to execute the scheme as altered.

(c) If the scheme as altered involves the acquisition, otherwise than by agreement, of any land other than that specified in the schedule accompanying the scheme under section 17 (2) (e), the provisions of sections 16 and 17 and of sub-section (1) shall apply to the part of the scheme so altered, in the same manner as if such altered part were the scheme.

General.

Land vested in Municipal Commissioners and required by Board for formation or alteration of street to be vested temporarily in the Board.

19. Whenever under any improvement scheme the whole or any part of an existing public street or other land vested in the Municipal Commissioners is included in the site of any part of a street to be formed, altered, widened, diverted, raised, re-arranged or re-constructed by the Board, the Board shall give notice to the President of the Municipal Commission that the whole or a part, as the case may be, of such existing street or other land (hereinafter called the "part required") is required by them as part of a street to be dealt with as aforesaid, and the part required shall thereupon, subject to the provisions of sub-section (1) of section 21, be vested in the Board: Provided that nothing in this section contained shall be deemed to affect the rights or powers of the Municipal Commissioners under the Municipal Regulations in or over any Municipal drain or water-work.

Board may, in respect of land vested in them, exercise certain powers of Municipal Commissioners in regard to streets.

20. The provisions of sections 94 to 101, 113 to 115, 118 to 124, 126 to 128, 130, 131, 136, 171, 172, and 175 to 178 of the Municipal Regulations in regard to streets shall, so far as may be consistent with the tenour of this Regulation, apply to streets or parts thereof vested in the Board under this Regulation; and all references in the said provisions to the Municipal Commissioners or other Municipal authority shall be construed as references to the Board.

Streets on completion to vest in and be maintained by the Municipal Commissioners.

21. (1) The President of the Municipal Commission shall, on being satisfied that any street formed by the Board has been duly levelled, paved, metalled, flagged, channelled, drained and sewered in the manner provided for in the plans of any scheme sanctioned by Government, and that such lamps, lamp posts and other apparatus as are in his opinion necessary for the lighting thereof and should be provided by the Board have been so provided, declare such street to be a public street, and such street shall thereupon vest or re-vest, as the case may be, in the Municipal Commissioners, and the Municipal Commissioners shall thenceforward maintain, keep in repair, light and cleanse such street.

Open spaces reserved for ventilation to vest in and be maintained by the Municipal Commissioners.

(2) Any open space reserved for ventilation in any part of the City, and provided by the Board as part of any improvement scheme sanctioned by Government, shall be transferred, on completion, to the President of the Municipal Commission for maintenance at the expense of the Municipal Commissioners, and shall thereupon vest in the Municipal Commissioners.

Disputes under this section to be determined by Government.

(3) Any dispute which arises between the Board and the President of the Municipal Commission in respect of any of the provisions of this section shall be determined by Government, whose decision shall be final.

Acquisition of land.

Board to have power to acquire land by agreement.

22. Subject to the provisions of this Regulation, it shall be lawful for the Board to agree with the owners of any land or of any interest in land needed by the Board for the purposes of this Regulation for the purchase of such land or of any interest in such land.

Extent to which Land Acquisition Regulation shall apply to acquisition of land otherwise than by agreement.

23. Notwithstanding anything contained in the Land Acquisition Regulation, 1894, the said Regulation shall, to the extent set forth in Schedule A, and not otherwise, apply to and regulate the acquisition of land under this Regulation otherwise than by agreement, and shall for that purpose be deemed to form part of this chapter in the same manner as if enacted in the body hereof, subject to the provisions of this chapter and to the provisions following (namely):—

(1) A reference to any section of the said Land Acquisition Regulation shall be deemed to be a reference to such section as modified by the provisions of this chapter.

(2) The expression "Deputy Commissioner" shall mean also the Chairman of the Board;

(3) The provisions of sub-section (2) of section 4 of the said Land Acquisition Regulation shall be applicable immediately upon the passing of a resolution by the Board that an improvement scheme under section 14 is necessary in respect of any locality, and the word "Government" shall be deemed to include the Board, and the words "such locality" shall be deemed to mean the locality referred to in any such resolution;

(4) The publication of a declaration under section 18 shall be deemed to be the publication of a declaration under section 6 of the said Land Acquisition Regulation;

(5) In the construction of section 50, sub-section (2), of the said Land Acquisition Regulation the Board shall be deemed to be the local authority or company concerned.

Special provisions as to compensation.

24. In determining the amount of compensation to be awarded for any land or building acquired under this Regulation, the following further provisions shall apply :—

(1) The Court shall take into consideration any increase to the value of any other land or building belonging to the person interested likely to accrue from the acquisition of the land or from the acquisition, alteration or demolition of the building ;

(2) When any addition to, or improvement of, the land or building has been made after the date of the publication under section 16 of a notification relating to the land or building, such addition or improvement shall not (unless it was necessary for the maintenance of the building in a proper state of repair) be included, nor in the case of any interest acquired after the said date shall any separate estimate of the value thereof be made, so as to increase the amount of compensation to be paid for the land or building ;

(3) In estimating the market value of the building at the date of the publication of a declaration relating thereto under section 18, the Court shall have due regard to the nature and then condition of the property and the probable duration of the building in its existing state and to the state of repair thereof and to the provisions of sub-sections (4), (5) and (6) of this section ;

(4) When the owner of the land or building has, after the passing of this Regulation, and within twenty-four months preceding the date of the publication of a notification relating to the land or building under section 16, made a return under section 232 of the Municipal Regulations of the rent of the land or building, the rent of the land or building shall not in any such case, save as the Court may otherwise direct, be deemed to be greater than the rent shown in the latest return so made : Provided that where any addition to or improvement of the land or building has been made after the date of such latest return and previous to the date of the publication of a notification under section 16 relating to the land or building, the Court may take into consideration any increase in the letting value of the land due to such addition or improvement ;

(5) If in the opinion of the Court the rental of the land or building has been enhanced by reason of its being used for an illegal purpose, or being so overcrowded as to be dangerous or injurious to the health of the inmates, the rental shall not be deemed to be greater than the rental which would be obtainable if the land or building were used for legal purposes only, or were occupied by such a number of persons only as it was suitable to accommodate without risk of such overcrowding ;

(6) If in the opinion of the Court the building is in a state of defective sanitation, or is not in reasonably good repair, the amount of compensation shall not exceed the estimated value of the building after being put into a sanitary condition, or into reasonably good repair, less the estimated expense of putting it into such condition or repair ;

(7) If in the opinion of the Court the building being used or intended or likely to be used for human habitation is not reasonably capable of being made fit for human habitation, the amount of compensation shall not exceed the value of the materials, less the cost of demolition.

Deputy Commissioner to take possession after making award and transfer land to the Board.

25. When the Deputy Commissioner has made an award under section 11 of the Land Acquisition Regulation, 1894, and the provisions of this chapter, he may take possession of the land, which shall thereupon vest absolutely in the Government free from all encumbrances, and the Deputy Commissioner shall, upon payment of the cost of the acquisition, and upon the Board agreeing to pay any further costs which may be incurred on account of the acquisition of the land, transfer the land to the Board, and the land shall thereupon vest in the Board.

CHAPTER IV.—PROPERTY AND FINANCE.

Particulars of lands vested in Board.

26. Immediately upon the Board being constituted under this Regulation, there shall vest in the Board, for the purposes of this Regulation and subject to such limitations and conditions as the Government may from time to time impose and to the provisions hereinafter contained, all the estate, right, title and interest of the Government and of the Municipal Commissioners in and to the lands specified in Schedule B.

Proviso as to resumption of lands required for a public purpose.

Provided that any such land not already conveyed or agreed to be conveyed by the Board, which shall be required by Government or the Municipal Commissioners for a public purpose, may at any time be resumed by Government, or by the Municipal Commissioners with the previous sanction of Government, as the case may be, on such terms if any as the Government may determine.

27. The Board shall, for the purposes of this Regulation, have power to acquire and hold moveable and immoveable property, whether within or without the City, and shall also, subject to the provisions of this Regulation, have power—

Power of Board to acquire and hold property,

(1) to let on hire, or lease any moveable or immoveable property which may have become vested in or acquired by them;

to lease,

(2) to sell and otherwise convey, with or without any conditions, any moveable or immoveable property which may have become vested in or acquired by them; and

to sell and otherwise convey,

(3) to appropriate or apply the whole or any part of the lands which may have become vested in or acquired by them, for the formation of open spaces, or for building purposes, or in any other manner for the purposes of any improvement scheme.

and to apply lands vested in them for purposes of improvement schemes.

28. (1) The rents, profits and sale proceeds of all lands, buildings and other property vested or vesting in or acquired by the Board under this Regulation shall be credited to a fund to be called "the City of Mysore Improvement Fund."

Improvement Fund, and the items to be credited to such fund.

(2) There shall also be credited to the said fund—

(*a*) such sums as may be placed by Government at the disposal of the Board from time to time for the purposes of this Regulation; and

(*b*) such contributions from the Municipal Fund as the Municipal Commissioners may from time to time be called upon by Government to make, on a consideration by Government of the relief or addition to the Municipal resources accruing or likely to accrue as the result of improvement schemes undertaken by the Board.

29. (1) The said fund shall be held by the Board in trust, and shall be applied by them, subject to the general or special orders of Government, in payment of the charges incidental to the carrying out of the purposes of this Regulation.

Application of the Improvement Fund.

(2) Such charges shall be held to include, among other things—

(*a*) the cost, if any, of maintaining a separate establishment for the collection of the rents and profits and other proceeds of property vested or vesting in or acquired by the Board under this Regulation;

(*b*) the cost of petty and other establishments, not being part of the scheduled staff, necessary for the supervision of properties or other revenue purposes;

(*c*) the cost of management including the salaries and allowances of the scheduled staff, and all incidental expenses; and

(*d*) all payments made by the Board in respect of rates and taxes levied under the Municipal Regulations upon lands and buildings vested in the Board and not subject to exemption.

(3) The Board may also, from time to time, and in accordance with the rules framed by Government under section 40, make advances from the said fund for the purpose of enabling persons not being Government servants to provide themselves with houses or other accommodation.

30. (1) The Chairman shall, at a special meeting to be held not later than the first day of May in each year, lay before the Board an estimate of the income and of the expenditure of the Board for the year commencing on the first day of July then next ensuing, in such detail and form as the Board shall from time to time direct.

Chairman to frame an annual estimate of income and expenditure.

(2) Such estimate shall make provision for the efficient administration of this Regulation and shall be completed, and a copy thereof sent by post, or otherwise, to each Trustee, at least ten clear days prior to the meeting before which the estimate is to be laid.

31. The Board shall consider the estimate so submitted to them, and shall sanction the same either unaltered, or subject to such alterations as they shall think fit.

Board to sanction or amend such estimate.

32. The estimate, as sanctioned by the Board, shall be submitted to Government, who may, if they think fit, disallow such estimate, or any portion thereof, and return the same for amendment. The Board shall, if the estimate is so returned by Government, forthwith proceed to amend the same and shall re-submit the estimate so amended to Government. A copy of the estimate shall be sent to the President of the Municipal Commission.

Estimates to be submitted to Government for sanction.

33. The Board may, at any time during the year for which any such estimate has been sanctioned, cause a supplementary estimate to be prepared and submitted to them. Every such supplementary estimate shall be considered and sanctioned by the Board and submitted to Government, and a copy shall be sent to the President of the Municipal Commission in the same manner as if it were an original annual estimate.

Supplementary estimates may be prepared and submitted when necessary.

34. (1) Save in cases of pressing emergency no sum exceeding two thousand five hundred rupees shall be expended by or on behalf of the Board, unless such sum is included in some estimate at the time in force which has been finally approved by Government, or is included in the amount payable by the Board under a decree of the Chief Court or an award of the Court under the Land Acquisition Regulation, 1894.

No sum exceeding Rs. 2,500 to be spent unless included in some estimate save in cases of pressing emergency or to meet Court decrees.

(2) If any sum exceeding two thousand five hundred rupees in amount is so expended on a pressing emergency, the circumstances shall be forthwith reported by the Chairman to Government, together with an explanation of the way in which it is proposed by the Board to cover such extra expenditure.

35. The accounts of the receipts and expenditure of the Board shall be audited and examined by the Comptroller in the same manner as the accounts of Government Departments, and shall, twice in every year, be laid before Government. An abstract of the audited accounts for each year shall be sent to the President of the Municipal Commission.

Accounts to be audited and examined by Comptroller, and submitted to Government.

An abstract of the accounts to be furnished to the Municipal Commission.

CHAPTER V.—OF THE OFFICERS AND SERVANTS OF THE BOARD.

36. The Board shall from time to time prepare and submit for the sanction of Government a schedule of the staff of officers and servants whom they shall deem it necessary and proper to maintain for the purposes of this Regulation. Such schedule shall also set forth the amount and nature of the salaries, fees and allowances which the Board propose for each such officer or servant. No alteration in the sanctioned schedule shall be made without the sanction of Government.

Schedule of officers and servants to be submitted for sanction of Government.

37. (1) Subject to the provisions of the by-laws framed under sub-section (c) of section 41 (1) and of the schedule being in force sanctioned by the Government under section 36, the power of appointing, promoting, suspending, dismissing, fining, reducing, or granting leave to the officers and servants of the Board (not being officers in Government service lent to the Board) shall be exercised by the Chairman in the case of officers and servants whose monthly salary does not exceed one hundred rupees, and in every other case by the Board.

Appointments, etc., by whom to be made.

(2) The power of dispensing with the services of any officer or servant of the Board (not being an officer in Government service lent to the Board), otherwise than by reason of such officer's or servant's own misconduct, or of permitting any such officer or servant to retire on a pension, gratuity, or compassionate allowance, shall, subject to the aforesaid provisions, be exercised by the Board alone.

38. Officers in Government service lent to the Board shall, except as otherwise provided under rules or orders which may be made by Government from time to time, be subject to the provisions in this behalf contained in the Mysore Service Regulations.

The case of lent officers.

CHAPTER VI.—DISSOLUTION OF THE BOARD.

39. (1) When the Government is satisfied that all such improvement schemes as may have been sanctioned by it from time to time for execution by the Board have been executed by the Board in substantial entirety, and that such further measures as may be necessary in the near future for the improvement of the City may conveniently be undertaken under the ordinary provisions of the Municipal law in force, the Government may, by an order to be published with the reasons therefor in the Official Gazette, declare that the Board shall be dissolved with effect from a date to be specified in such order.

Government may dissolve the Board when the purpose of their appointment is fulfilled.

(2) Such order shall make due provision for the devolution of the assets and liabilities of the Board, the disposal or management of property vested in the Board, the completion of incomplete works, and all other matters incidental to the dissolution of the Board and the winding up of their affairs:

Matters to be dealt with in the order for dissolution.

Provided that all immoveable properties vested in the Board on the date of their dissolution and not expressly reserved to Government in the said order shall thereafter vest in the Municipal Commissioners.

Vesting of immoveable property.

CHAPTER VII.—RULES AND BY-LAWS, PENALTIES, ETC.

Power of Government to make rules.

40. The Government may from time to time make rules, not inconsistent with this Regulation,

(*a*) for the guidance of the Board, the Municipal Commissioners, Government Officers and all other persons in matters connected with the administration of this Regulation or in cases not expressly provided for herein, and

(*b*) generally for carrying out the purposes of this Regulation.

Power of Board to make by-laws.

41. (1) The Board may from time to time make by-laws, not inconsistent with this Regulation or with the rules made by Government—

(*a*) for regulating the delegation of the powers and duties of the Board to Committees;

(*b*) for the guidance of persons employed by them under this Regulation;

(*c*) for regulating the grant of leave, leave allowances, pensions and gratuities, and other such matters, in respect of the officers and servants of the Board, not being officers in Government service lent to the Board;

(*d*) for the management, use and regulation of dwellings constructed for the poorer or working classes under any scheme;

(*e*) for regulating the construction and reconstruction of buildings in regard to such matters as the following, namely, the notice to be given previous to erection, the plans to be submitted, the line of frontage with neighbouring buildings, the free space to be left about the building, the level and width of foundation, the stability of structure, the materials to be used, and the provision to be made for drainage and ventilation; and

(*f*) generally for carrying out the purposes of this Regulation.

(2) No by-law shall have effect until the same shall have been approved by Government, and no by-law shall be approved by Government until the same shall have been published for three weeks successively in the official Gazette.

(3) It shall be lawful for Government at any time to cancel any by-law made and published under this section.

Penalties for infringement of rules and by-laws.

42. The Government, and with the approval of the Government the Board, may, in the rules and by-laws made respectively under sections 40 and 41, prescribe such penalties as it or they shall deem fit for the infringement of the same: Provided that no penalty for any one infringement of a rule or by-law shall exceed one hundred rupees, nor, in case of a continuing infringement, shall any penalty exceed fifty rupees per diem for every day after notice of such infringement shall have been given by the Board to the person guilty of such infringement.

Rules and by-laws to be exhibited.

43. The said rules and by-laws shall be printed in the English and Kanarese languages, and hung up at convenient places.

Penalty for being interested in contracts with the Board.

44. Any person who being a Trustee, or an officer or servant of the Board, shall acquire, directly or indirectly, any share or interest in any contract or employment with, by, or on behalf of the Board, shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code;

Proviso.

Provided that a person shall not be deemed to have any share or interest in such contract or employment by reason only of his having a share or interest in any of the matters mentioned in sub-clauses (i), (ii) and (iii) of section 8 (1) (*d*).

Penalty for obtaining illegal gratification.

45. Any person employed under this Regulation, not being a public servant within the meaning of section 21 of the Indian Penal Code, who shall accept or obtain, or agree to accept or attempt to obtain, from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or forbearing to do, any official act, or for showing or forbearing to show, in the exercise of his official functions, favor or disfavor to any person, or for rendering, or attempting to render, any service or dis-service to any person, with the Board or with any public servant as such, or with Government, shall be liable to the same punishment as is provided by the Indian Penal Code in the case of the like offence committed by a public servant.

Cognizance of offences.

46. (1) All offences against this Regulation or against any rule or by-law made thereunder shall be cognizable by any Magistrate with powers not less than those of a Magistrate of the second class.

Fines and damages to be credited to Improvement Fund.

(2) All fines and damages recovered from any offender shall be paid to the credit of the City of Mysore Improvement Fund.

47. All sums due on account of advances made for house-building under section 29 (3) shall be recoverable as if they were arrears of land revenue.

Recovery of sums due on account of house-building advances.

48. (1) No suit or other proceeding shall be commenced against any person for anything done, or purporting to have been done, in pursuance of this Regulation without giving to such person one month's previous notice in writing of the intended suit or other proceeding, and of the cause thereof, nor after six months from the accrual of the cause of such suit or other proceeding, nor after tender of sufficient amends.

Limitation of suits.

(2) Neither the Board nor any Trustee or officer or servant of the Board shall be liable to be sued for damages for any act *bona fide* done or ordered to be done by them or him as such in pursuance of this Regulation or a rule or by-law thereunder.

Bar of suits for damages in certain cases.

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SCHEDULE A.

(See section 23.)

Portions of the Land Acquisition Regulation, 1894, regulating the acquisition of lands under this Regulation.

PART I.—Preliminary, except clauses (*e*) and (*f*) of section 3.

PART II.—Acquisition, except sub-section (1) of section 4, section 6 and sub-section (2) of section 17.

PART III.—Reference to Court and Procedure thereon, except sub-section (2) of section 23 and clauses (6) and (7) of section 24.

PART IV.—Apportionment of Compensation.

PART V.—Payment.

PART VI.—Temporary occupation of land.

PART VIII.—Miscellaneous.

SCHEDULE B.

(See section 26.)

... ...

STATEMENT OF OBJECTS AND REASONS.

In September last the Government appointed a Committee to devise a scheme for the improvement of the City of Mysore, for reasons which were thus stated in their order :—

Government Order No. 4168-79—L. F. 36-02, dated 18th September 1902.

"It is unfortunate that the City of Mysore, notwithstanding the large sums spent upon it for improvements, should still be subject to outbreaks of plague each successive year. Government consider that nothing but sustained exertions for carrying out a carefully prepared programme of sanitary improvements can establish the health of the place. Congested portions should be opened up not simply by demolishing houses and sending the inhabitants adrift, but by devising suitable extensions and affording facilities for the building of houses. It is unlikely that the Municipality will be able to find all the money required for improving the City. But taking its general importance as the Capital of the State into consideration, His Highness the Maharaja considers that the State may properly bear a large part of such extraordinary outlay. How much of the expenditure required may be fairly expected to be met out of Municipal resources, is a question that can be settled only after obtaining an approximate idea of its total amount.

"The scheme may be completely thought out and matured once for all. It would be impossible even for the State to find all the money at once; but the expenditure may be spread over a number of years.

"The general lines on which improvements could be usefully designed seem to be the following. The slums of the City, wherever they exist, should be first improved, by knocking down insanitary buildings, providing against over-crowding, bad drainage and otherwise defective sanitation. Proper quarters should be found for the surplus population removed from such localities; and such assistance as is possible and reasonably practical should be extended to poor people for building

proper houses. A comprehensive scheme of proper drainage should be devised, not necessarily with a view to attain theoretical but unpractical perfection, but to meet the reasonable needs of the City.

"The above are only general directions, but it will be for the Committee which the Government has resolved to appoint to study the matter in all its various aspects both scientific and practical, and to devise a scheme for the consideration of Government, going into reasonable details. The President and members, who are named below, are requested to enter upon their work as early as they conveniently can and submit a detailed account of their proposals with as accurate an estimate of cost as they can. They should also indicate in what order and in which manner the scheme would in their opinion be best carried out."

The Committee has accordingly submitted a series of schemes on comprehensive lines, showing the improvements which should, in their opinion, be effected in the different parts of the City, and these schemes are now under the consideration of Government.

The scheme as a whole comprises the formation of new and the alteration of existing streets, the removal or alteration of insanitary buildings, the provision of proper drainage, and of open spaces for better ventilation and recreation, and the construction of sanitary dwellings for the poorer and working classes displaced in the course of the execution of the scheme.

As regards the execution of the scheme several alternatives present themselves. The work might be entrusted to any of the following agencies: the Deputy Commissioner and the District Officers, the City Municipality, a special officer appointed for the purpose, the Public Works Department, or a combination of any of these authorities. In each case, however, there are objections to the employment of these agencies whether severally or in combination. The Municipal staff is fully occupied in attending to the ordinary administration, whilst the demands on the leisure of the Commissioners cannot, in fairness, be substantially increased. Similar considerations apply with even greater force to the Deputy Commissioner and his Assistants. Again the Public Works Department would be capable of dealing with the engineering portion of the scheme. But this is not either the most difficult, or even the most important portion. An infinite number of administrative and economic problems involved in dealing with public and private rights on a large scale and the transfer of the population to more sanitary quarters, must be dealt with. Such a burden it would not be desirable to place on the shoulders of one man, in the shape of a special officer. Finally it is essential to enlist so far as may be the sympathy of those immediately concerned and of the public generally, and this end could scarcely be achieved by a purely official agency. At the same time efficient management and prompt executive action are essential, and it seems imperative therefore to appoint a special agency with a separate staff, at liberty to devote its entire energies to the task presented.

Under the circumstances, the Government of His Highness the Maharaja propose to follow the precedent set by the Government of Bombay and to constitute a small trust to be styled "The Board of Trustees for the Improvement of the City of Mysore" with special powers to administer the funds placed at its disposal, to acquire and handle property and generally to carry out the necessary works of improvement.

The necessary enabling powers are contained in the accompanying Draft Regulation, which (except as regards the financial and a few other provisions) follows more or less the lines of the Bombay Act IV of 1898.

Chapter I, (sections 1 and 2) *Preliminary*, requires no explanation.

Chapter II (sections 3 to 13) deals with the *Constitution of the Board of Trustees*, as well as with their proceedings and the duties of the Chairman. Section 4 provides for the representation of all the interests chiefly concerned, as far as this can be done on a small administrative body like the Board of Trustees.

Chapter III (sections 14 to 25) deals with the *Duties and Powers of the Board*. The Board's primary duty will be to elaborate the details of the comprehensive schemes submitted by the Improvement Committee from time to time, and to carry out the detailed schemes for improvement after they are sanctioned by Government. The Board may also submit additional schemes when necessary, and if funds permit. As regards the acquisition of lands and buildings (sections 22 to 25), the provisions of the Land Acquisition Regulation, 1894, have (with the few exceptions noted in Schedule A) been made applicable. For the prompter and more effective disposal of claims, etc., the Chairman of the Board will have the powers of a Deputy Commissioner under the Land Acquisition Regulation, just as the Chairman of the Corporation of Calcutta has under section 557 of the Calcutta Municipal Act, 1899. Section 25 explains the further matters to be considered in determining compensation, *i. e.*, in addition to the matters set forth in section 23 [except sub-section (2)] of the Land Acquisition Regulation.

Chapter IV (sections 26 to 35) relates to *Property and Finance*. The lands* acquired for extensions of the City, and not yet disposed of to private parties, will vest in the Board at the outset. The powers of the Board in respect of acquiring and holding property, and of the application or disposal of property vested in or acquired by them, are mentioned in detail in section 27. The items constituting the Improvement Fund are referred to in section 28. One important respect in

*These will be set out in Schedule B.

which the Draft Regulation differs from the Bombay Act is the fact that the Board of Trustees for the Mysore City will have no borrowing powers, and therefore no liability in regard to re-payment, but will merely administer the funds from time to time placed at their disposal by the Government and the Municipal Commission under section 28. In connection with the application of the Fund, it may be mentioned that the Board will have power, under section 29 (3), to advance loans for house-building purposes in suitable cases, in accordance with rules to be framed by Government. The provisions in regard to accounts and their audit are made simpler than in the Bombay Act.

Chapter V (sections 36 to 38) deals with the *Officers and Servants of the Board*, including those who may be lent to the Board by Government.

Chapter VI (section 39) is new. It treats of the circumstances in which the *Dissolution of the Board* may become necessary (that is, when the improvement schemes sanctioned for execution by them have been practically completed); and it provides for various incidental matters, such as the devolution of the assets and liabilities of the Board, the disposal and management of property, the completion of incomplete works, and the like.

Chapter VII (sections 40 to 48), regarding *Rules and By-laws, Penalties, etc.*, embodies formal provisions which require no separate explanation. Attention may, however, be drawn to clause (*e*) of section 41 (1), which will enable the Board to prescribe suitable building regulations, and to section 47 under which house-building advances are recoverable as arrears of land revenue.

3—8—03.

K. S. C.
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